

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

STATE FARM MUTUAL AUTOMOBILE	:	CIVIL ACTION
INSURANCE CO. et al.,	:	NO. 05-5368
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
	:	
ARNOLD LINCOW et al.,	:	
	:	
Defendants.	:	

**O R D E R**

**AND NOW**, this **4th** day of **February, 2008**, for the reasons stated on the record at the February 4, 2008 hearing, it is hereby **ORDERED** that Plaintiffs' motion to compel tax authorizations (doc. no. 363) is **GRANTED**.

**IT IS FURTHER ORDERED** that Plaintiffs' motion to strike Defendants' objections to the tenth document request (doc. no. 366) is **GRANTED in part and DENIED in part**. The motion is granted to the extent that Defendants shall serve on Plaintiffs an amended verified statement, substituting the language "records in possession of" with "records in possession, custody, or control of." The motion is otherwise denied.

**IT IS FURTHER ORDERED** that Plaintiffs' motion to compel answers to supplemental interrogatories and document requests (doc. no. 367) is **GRANTED in part and DENIED in part**. The motion is granted in that Plaintiffs are permitted to request documents from and depose Murray Levin, D.O. only to the extent that the scope of such document requests and deposition questions is

limited to the documents relied on by Levin in preparing the May 18, 2007 verified statement. The motion is otherwise denied.

**IT IS FURTHER ORDERED** that Plaintiffs' motion to compel responses to document requests (doc. no. 368) is **DENIED as moot**.

**IT IS FURTHER ORDERED** that Plaintiffs' motion to compel answers to interrogatories (doc. no. 382) is **GRANTED as unopposed**. Defendant Seymour Hirsh shall respond to Plaintiffs' second set of interrogatories by **February 14, 2008**.

**IT IS FURTHER ORDERED** that Plaintiffs' motion to compel medical records and related discovery (doc. no. 384) is **DENIED** as to the request for the patient records of Nicholas Rosmondo. The motion is otherwise **DENIED without prejudice**. If at trial there is any suggestion by Defendants that Defendant Arnold Lincow, D.O.'s failure to remember certain information was due to a medication that he was taking, the proceedings will be immediately adjourned and Plaintiffs will be permitted to raise at that time the issues raised in this motion.

**IT IS FURTHER ORDERED** that Plaintiffs' letter request for payment of copying costs is taken under advisement and shall be addressed at the conclusion of the case.

**IT IS FURTHER ORDERED** that Plaintiffs' motion for leave to conduct additional discovery of 77 Ogontz (doc. no. 379) is **GRANTED in part and DENIED in part**. The motion is granted in that Plaintiffs are granted leave to take the deposition of Robert Gurvich. The deposition shall be taken at a date and

location convenient to Gurvich and shall not exceed one hour in length. The motion is otherwise denied.

**IT IS FURTHER ORDERED** that Plaintiffs' motion for reconsideration of the Court's October 25, 2007 Order (doc. no. 355) is **DENIED**.

**IT IS FURTHER ORDERED** that Defendants' motion to compel and for sanctions against Plaintiffs (doc. no. 378) is **GRANTED in part and DENIED in part**. The motion is granted as to the request for answers to interrogatories in connection with Gregory Mulford, M.D. The motion is denied as moot as to the verified statement of Karen Radcliffe. The motion is denied without prejudice as to the request for sanctions. Plaintiffs shall provide Defendants hard copies of the documents discussed during the February 4, 2008 hearing by **February 14, 2008**. Defendants shall pay the cost of generating the copies.

**IT IS FURTHER ORDERED** that Plaintiffs' motion for sanctions and to dismiss Defendants' counterclaims (doc. no. 336) is **DENIED without prejudice**. Counsel for Plaintiffs shall review the October 24, 2007 hearing transcript and advise the Court of their intent to refile this motion by **February 14, 2008**.

**IT IS FURTHER ORDERED** that Plaintiffs' motion to compel a response to interrogatory #5 and for sanctions (doc. no. 361) is **GRANTED in part and DENIED in part**. The motion is granted in that Defendants shall provide a response to Plaintiffs as directed by the Court during the February 4, 2008 hearing by

**February 14, 2008.** The motion is otherwise denied.

**IT IS FURTHER ORDERED** that Plaintiffs' motion to compel Dr. Martin Weaver to produce documents and for sanctions (doc. no. 372) is **DENIED without prejudice.**

**IT IS FURTHER ORDERED** that Plaintiffs' motion to compel verifications of discovery requests and for sanctions (doc. no. 362) is taken under advisement.

**IT IS FURTHER ORDERED** that Plaintiffs' oral motion for leave to issue a subpoena upon Nathaniel Shaw is **GRANTED.**

**IT IS FURTHER ORDERED** that Plaintiffs' oral motion for leave to conduct telephone interviews of students at the Philadelphia College for Osteopathic Medicine is **GRANTED,** subject to the parties first entering into a confidentiality agreement.

**AND IT IS SO ORDERED.**

S/Eduardo C. Robreno  
**EDUARDO C. ROBRENO, J.**